

U.S. Department of the Interior  
Bureau of Land Management  
Royal Gorge Field Office  
3028 E. Main Street  
Canon City, CO 81212

## DETERMINATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

OFFICE: Royal Gorge Field Office

PROJECT NUMBER: DOI-BLM-CO-200-2013-067 DN

PROPOSED ACTION TITLE/TYPE: Range – Grazing Permit Transfer and Renewal for Grape Creek Allotment #5073

LOCATION/LEGAL DESCRIPTION: Colorado, Fremont & Custer Counties,

Sixth Principle Meridian,

T. 20 S., R. 71 W., sec. 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33.

T. 20 S., R. 72 W., sec. 1, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.

T. 21 S., R. 71 W., sec. 6.

T. 21 S., R. 72 W., sec. 1, 2, 11, 12, 13, and 14.

Public Acres: 15,233

Allotment

Grape Creek #5073

### **A. Description of the Proposed Action and any applicable mitigation measures**

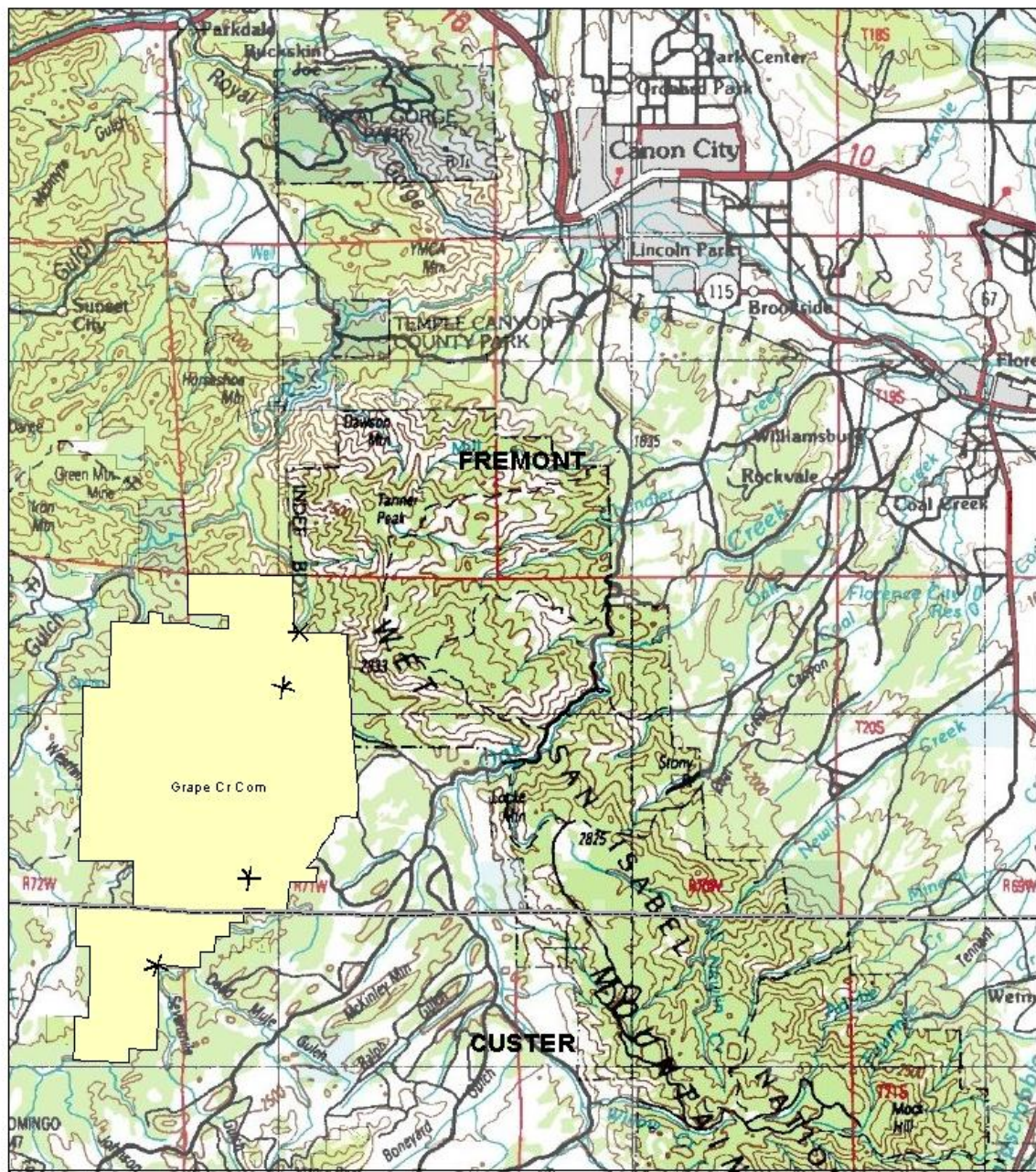
The proposed action is to transfer the authorization to graze livestock on public lands included in the Grape Creek Allotment. The new lease/permit will expire after three years. Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates\* and times; authorized levels of use; or terms and conditions.


\*BLM issued a proposed decision dated 2/5/2013 that temporarily suspends all grazing use on public land in the Blackburn pasture of the Grape Creek Allotment until resource conditions improve.

The base property for the Grape Creek Allotment was previously being leased to Javernick/Adamic/Adamic, who has since lost control of the base property. John E. Rusher is

now leasing the base property and has applied for the grazing permit for public land included in the Grape Creek Allotment.

The allotment has undergone internal interdisciplinary team review through a Public Land Health Assessment in 2008 and is currently meeting public land health standards.





**Legend**

- Grape Creek Allotment
- Bureau of Land Management
- Private
- State
- State, County, City, Areas


### LOCATION MAP - GRAZING PERMIT TRANSFER

#### Grape Creek Allotment #5073

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0
1
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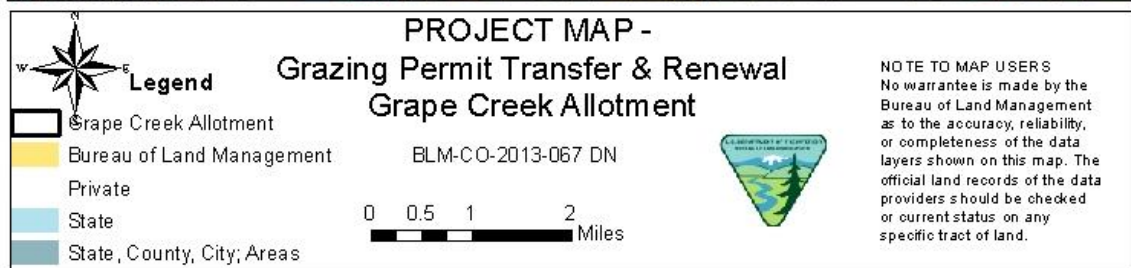
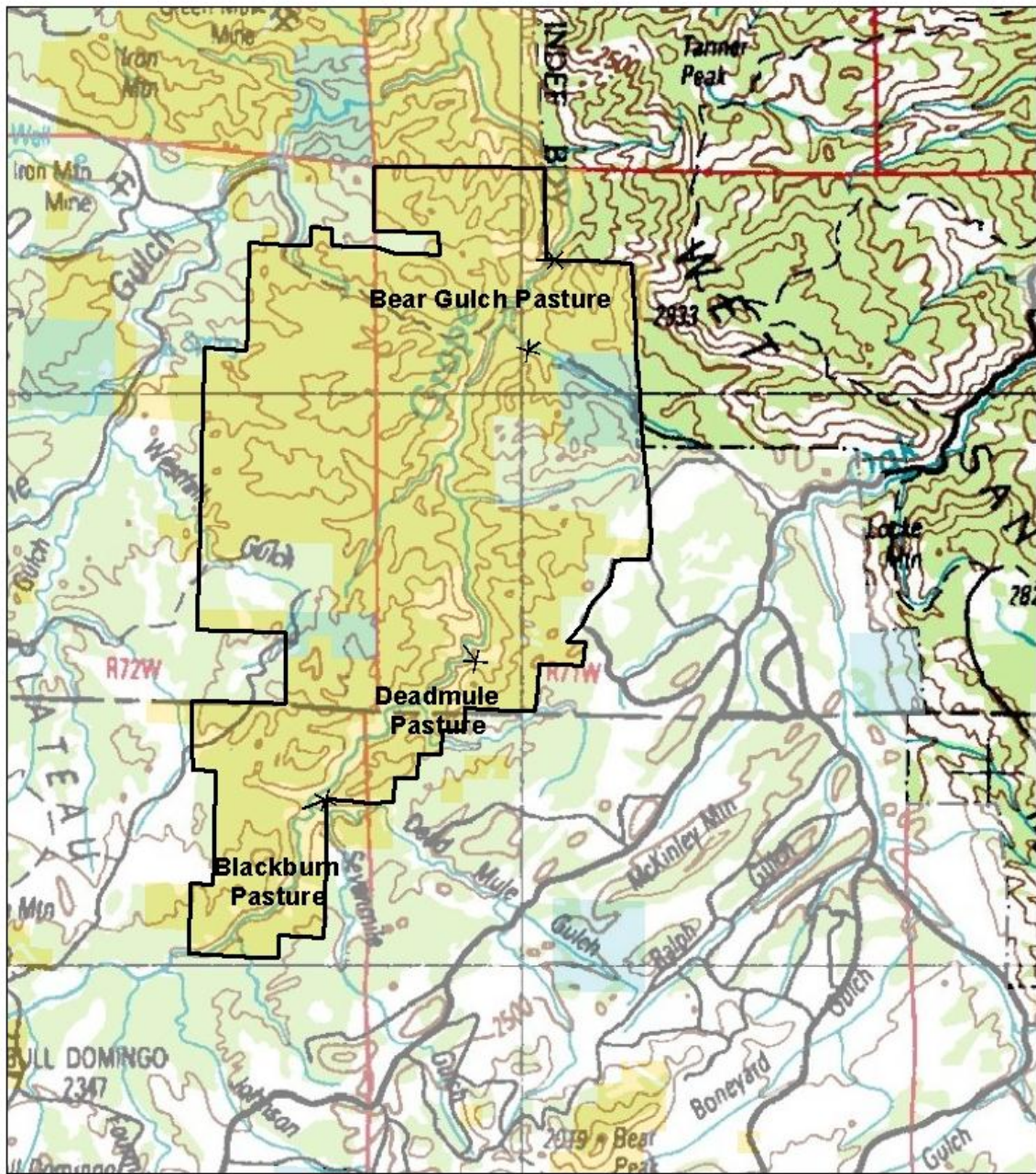
Miles



**NOTE TO MAP USERS**  
 No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.

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## Land Use Plan (LUP) Conformance

LUP Name Royal Gorge Resource Management Plan	Date Approved 5/13/96
Other Document Final Livestock Grazing EIS	Date Approved 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: 7-2, 7-4, C-30, C-41, C-42, C-43, and C-44

### Decision Language:

7-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

7-4: Grazing use is authorized on 13 allotments.

C-30: Base livestock grazing management on the 1981 RGRA EIS.

C-41: Adjustments in grazing use will be made by allotment on a case by case basis. Changes in number of livestock, season of use, duration of use, and class of livestock can be made based on monitoring studies and inventory data.

C-42: The grazing treatment on Improve category allotments will require a rest standard to allow a time period for forage species to recover from the last grazing period before the plants are re-grazed.

C-43: Maximum allowable utilization on allotments with rotational grazing or dormant season grazing will 80% annual production on grass species and 60% of annual production on shrub species.

C-44: On single pasture allotments with season long spring/summer grazing utilization will be held to the 40 to 60% range on forage species in lieu of a rest standard.

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

Term Grazing Permit Renewals: DOI-BLM-CO-200-2009-0087 EA.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessments: 2008

## **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar**

**to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The RMP and Grazing EIS analyzed livestock grazing by allotment with the mandatory terms and conditions. The previous EAs analyzed grazing use and permit renewal on the same allotment. The Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents(s). Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates, times, authorized levels of use; or terms and conditions.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes. The RMP/EIS and EA's considered a range of alternatives. The existing EA for permit renewal was conducted in 2009 and continues to be appropriate for current conditions. The EA included a proposed action alternative, which would have provided for any change in grazing or season of use, a no action alternative that would have continued grazing as previously scheduled and a no grazing alternative. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

**3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes. The previous information and circumstances and analysis are still valid in light of the 2008 Health Assessment, and no new issues concerning grazing have arisen on this allotment.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with livestock grazing are mitigated through managed grazing schedules, pasture rotations and monitoring of land health standards.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes. Extensive scoping and public involvement occurred in the RMP/EIS. Also, scoping occurred during the term permit renewal.

## E. Persons/Agencies /BLM Staff Consulted

<b>INTERDISCIPLINARY TEAM REVIEW</b>			
<b>NAME</b>	<b>TITLE</b>	<b>AREA OF RESPONSIBILITY</b>	<b>Initials/date</b>
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 5/7/13
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	-----
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	5/2/2013
John Lamman	Range Management Spec.	Weeds	05/03/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 5/2/13
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 05/21/13
Melissa Smeins	Geologist	Minerals, Paleontology	MJS, 05/03/2013
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 5/2/2013
Ty Webb	Prescribed Fire Specialist	Air Quality	TW, 5/3/2013
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 5/6/2013
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 5/6/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	KR, 5/7/13
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 5/6/13
Monica Weimer	Archaeologist	Cultural, Native American	-----
Michael Troyer	Archaeologist	Cultural, Native American	MDT 5/17/2013
Vera Matthews	Realty Specialist	Realty	vm, 5/01/2013
Steve Craddock	Realty Specialist	Realty	-----
Bob Hurley	Fire Management Officer	Fire Management	BH, 5/7/2013
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	-----

Other Agency Represented: None

### REMARKS:

Cultural Resources: Pursuant to BLM Instruction Memorandum Number CO-2002-029, RGFO cultural resources staff conducted a literature review of previous inventories and sites recorded on the public land in the allotment area [see Report CR-RG-13-148 L]. Based on the information collected during the literature review, it was determined that no historic properties would be impacted by the proposed undertaking.

Native American Religious Concerns: The literature review indicated that no traditional cultural properties have been recorded within the allotment boundaries. Native American Tribal consultation has been completed for these allotments [see Report CR-RG-13-148 L]. There is no

other known evidence that suggests the project area holds special significance for Native Americans. Therefore, it is unlikely that any traditional cultural properties or other sites of concern to the tribes will be affected by grazing.

Realty: The grazing area is within the Grape Creek WSA.

The existing lands action includes several re-conveyed parcels, and also a power site reserve COC-17127 "Intpr. PW Res 107" located in 6pm, T20S R72W Sec26., if the power site reserve is ever exercised, it will take precedence over any other lands actions. There is a notation of COC- 0-28370 for public law 167 concerning unpatented mining claims. These existing lands actions will not be impacted by the proposed project.

MITIGATION: Compliance inspections will be necessary to ensure trespass is not occurring.

## **CONCLUSION**

### **DOI-BLM-CO-200-2013-067 DN**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: Christine Cloninger

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Melissa K.S. Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL:                      /s/ Melissa Garcia for  
Keith E. Berger, Field Manager

DATE: 6/11/13

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.